

# EXHIBIT 4

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**Matt H. Cline**

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**From:** Matt H. Cline  
**Sent:** Monday, August 17, 2015 10:01 AM  
**To:** 'Gottfried, Michael R.'; Frederick H. Fern (FFern@HarrisBeach.com)  
**Cc:** Chris J. Tardio; Puig, Yvonne K.; Hoffman, Eric; 'SKelly@nutter.com' (SKelly@nutter.com); Moore, Paul D.; Kent Krause; 'Parks Chastain'; Ashley Geno (AGeno@bkblaw.com); Jay Blumberg; Chris Wolk; 'gkirby@pklaw.com'; 'aabeln@morrisonmahoney.com'; 'tweigand@morrisonmahoney.com'; 'Schramek, Adam T.'; C. J. Gideon; Moore, Paul D.  
**Subject:** RE: NECC MDL

Mike:

I understand your position, but we simply cannot agree to put this off indefinitely. We have now satisfied our "meet and confer" obligation because you have refused to participate in a discovery conference within 14 days of our request. See L.R. 37.1(b). We will proceed with filing our motion to compel. If the Court rules on the choice of law issue before our motion to compel is decided, we can discuss whether or not the choice of law ruling affects either of our positions.

Thanks.

Matt

Matthew H. Cline  
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**From:** Gottfried, Michael R. [mailto:[MRGottfried@duanemorris.com](mailto:MRGottfried@duanemorris.com)]  
**Sent:** Wednesday, August 12, 2015 5:43 PM  
**To:** Matt H. Cline; Frederick H. Fern (FFern@HarrisBeach.com)  
**Cc:** Chris J. Tardio; Puig, Yvonne K.; Hoffman, Eric; 'SKelly@nutter.com' (SKelly@nutter.com); Moore, Paul D.; Kent Krause; 'Parks Chastain'; Ashley Geno (AGeno@bkblaw.com); Jay Blumberg; Chris Wolk; 'gkirby@pklaw.com'; 'aabeln@morrisonmahoney.com'; 'tweigand@morrisonmahoney.com'; 'Schramek, Adam T.'; C. J. Gideon; Moore, Paul D.  
**Subject:** RE: NECC MDL

Matt

This responds to your e-mail below. We continue to believe scheduling a meet and confer prior to the Court's ruling on the pending motions regarding choice of law is premature. We would suggest scheduling a meet and confer at a mutually convenient time after the Court rules on these motions when the scope of discovery, if any, is clear.

Regards  
Mike

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**From:** Matt H. Cline [mailto:[matt@gideoncooper.com](mailto:matt@gideoncooper.com)]  
**Sent:** Saturday, August 08, 2015 2:38 PM  
**To:** Gottfried, Michael R.; Frederick H. Fern (FFern@HarrisBeach.com)

**Cc:** Chris J. Tardio; Puig, Yvonne K.; Hoffman, Eric; 'SKelly@nutter.com' ([SKelly@nutter.com](mailto:SKelly@nutter.com)); Moore, Paul D.; Kent Krause; 'Parks Chastain'; Ashley Geno ([AGeno@bkblaw.com](mailto:AGeno@bkblaw.com)); Jay Blumberg; Chris Wolk; 'gkirby@pklaw.com'; 'aabeln@morrisonmahoney.com'; 'tweigand@morrisonmahoney.com'; 'Schramek, Adam T.'; C. J. Gideon  
**Subject:** RE: NECC MDL

Mike:

I never received a response to my email below. Let's get a call scheduled this week. I'm available on Monday or Tuesday. If that does not work for you, send me some times that work for you on Wednesday, Thursday, or Friday, and I will see if someone else in our office is available.

Thanks.

Matt

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**From:** Matt H. Cline  
**Sent:** Wednesday, July 29, 2015 1:35 PM  
**To:** 'Gottfried, Michael R.'; Frederick H. Fern ([FFern@HarrisBeach.com](mailto:FFern@HarrisBeach.com))  
**Cc:** Chris J. Tardio; Puig, Yvonne K.; Hoffman, Eric; 'SKelly@nutter.com' ([SKelly@nutter.com](mailto:SKelly@nutter.com)); Moore, Paul D.; Kent Krause; Parks Chastain; Ashley Geno ([AGeno@bkblaw.com](mailto:AGeno@bkblaw.com)); Jay Blumberg; Chris Wolk; 'gkirby@pklaw.com'; 'aabeln@morrisonmahoney.com'; 'tweigand@morrisonmahoney.com'; 'Schramek, Adam T.'  
**Subject:** RE: NECC MDL

Mike:

First of all, the motions for protective orders pertain to testimony, not documents, so I do not believe we need to wait for a ruling on those motions to discuss documents.

I understand your point with respect to the choice of law briefing. But, even if Judge Zobel rules that MA law applies to some aspects of the case, that does not make information held by NECC entirely non-discoverable. Some documents and information will be discoverable whether TN or MA law applies to comparative fault. More practically, the current discovery deadline creates additional problems with delaying (for an unknown length of time) a meet & confer. Assuming we are permitted to depose NECC and/or its insiders and former employees, we need the relevant NECC documents before the deposition(s) and adequate time before the deposition(s) to review the documents to prepare. If we are ultimately unable to resolve our dispute over documents and must resort to motion practice, the soonest the Court would hear argument (let alone decide the issue) would be at the September 10 status conference, and that is without waiting for the Court to rule on the choice of law briefs, which she won't hear argument on until next week. As I am sure you are aware, the PSC will certainly oppose any further extension of the discovery deadline, regardless of the reasonableness or legitimacy of the reasons for doing so.

Put simply, I am not willing to wait some undetermined amount of time to discuss the documents. I am concerned that if we put off these issues but are ultimately allowed depositions of NECC and/or its former employees, we will be forced to take a deposition either (1) without all of the relevant documents or (2) without adequate time to review the relevant documents prior to the deposition. I prefer that we go ahead and schedule a call or meeting to see what, if any, issues we can work through without a ruling from the Court. For example, documents pertaining to customer audits or site

visits of NECC will be relevant to the standard of care and causation regardless of whether or not Tennessee's comparative fault scheme applies. That seems to be one issue we can discuss without further guidance from the Court. I am certain there are others.

I am available to discuss on July 30, July 31, August 3, or August 4. Please let me know a date and time that works for you.

Thanks.

Matt

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**From:** Gottfried, Michael R. [mailto:[MRGottfried@duanemorris.com](mailto:MRGottfried@duanemorris.com)]  
**Sent:** Wednesday, July 29, 2015 7:24 AM  
**To:** 'Schramek, Adam T.'; Frederick H. Fern ([FFern@HarrisBeach.com](mailto:FFern@HarrisBeach.com))  
**Cc:** Chris J. Tardio; Matt H. Cline; Puig, Yvonne K.; Hoffman, Eric; 'SKelly@nutter.com' ([SKelly@nutter.com](mailto:SKelly@nutter.com)); Moore, Paul D.  
**Subject:** RE: NECC MDL

Matt and Adam

This responds to your letters of July 21 and 24, 2015. We believe scheduling a meet and confer prior to the Court's ruling on the pending motions for protective order and choice of law is premature. We would suggest scheduling a meet and confer at a mutually convenient time after the Court rules on these motions when the scope of discovery, if any, is clear.

Regards  
Mike

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**From:** Schramek, Adam T. [mailto:[adam.schramek@nortonrosefulbright.com](mailto:adam.schramek@nortonrosefulbright.com)]  
**Sent:** Friday, July 24, 2015 3:49 PM  
**To:** Gottfried, Michael R.; Frederick H. Fern ([FFern@HarrisBeach.com](mailto:FFern@HarrisBeach.com))  
**Cc:** Chris J. Tardio ([chris@gideoncooper.com](mailto:chris@gideoncooper.com)); 'Matt H. Cline'; Puig, Yvonne K.; Hoffman, Eric; 'SKelly@nutter.com' ([SKelly@nutter.com](mailto:SKelly@nutter.com))  
**Subject:** NECC MDL

Counsel:

See attached.

Thanks,

**Adam T. Schramek | Partner**  
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